

## **Title 19 – DEPARTMENT OF HEALTH and SENIOR SERVICES**

### **Division 30 – Division of Regulation and Licensure**

#### **Chapter 61 – Licensing Rules for Family Child Care Homes**

##### **EMERGENCY AMENDMENT**

**19 CSR 30-61.105 The Day Care Provider and Other Day Care Personnel.** The department is adding a new section (5).

*PURPOSE: This amendment adds requirements for caregiver training to include training concerning the safe sleep recommendations of the American Academy of Pediatrics Task Force on Sudden Infant Death Syndrome for a safe infant sleeping environment.*

*EMERGENCY STATEMENT: According to the Centers for Disease Control and Prevention, Sudden Infant Death Syndrome (SIDS) was the fourth leading cause of death for infants in 2013. Approximately one hundred (100) Missouri infants die as a result of SIDS each year. In 2014, an infant in a licensed child care facility died as a result of SIDS after a weighted blanket was placed over the child's legs when he was lying face down. As a result, the Missouri legislature promulgated Section 210.223.6, RSMo, as part of HCS for SCS for SB 341, 98<sup>th</sup> General Assembly, First Regular Session (2015). This bill requires all caregivers who work in a licensed family child care home caring for children under one (1) year of age to receive safe sleep training based on the American Academy of Pediatrics (AAP) safe sleep recommendations and authorizes the Department of Health and Senior Services (DHSS) to promulgate emergency rules to implement these recommendations. The training will explain the AAP safe sleep recommendations and explain ways to comply with them, such as laying an infant on its back to sleep, creating a sleep environment free of blankets, toys, bumper pads or other items that could cause suffocation, and reducing the risk of a child overheating while it is asleep. There are approximately 1,100 licensed family child care homes in Missouri, each with at least one (1) approved assistant caregiver. Approximately 2,200 individuals would need to receive the safe sleep training. The training is necessary to ensure caregivers are aware of safe sleep practices to protect the health and safety of infants in child care settings. As a result, the DHSS finds an immediate danger to the public health, safety, and/or welfare and a compelling governmental interest, which requires this emergency action. A proposed amendment, which covers the same material, is published in this issue of the **Missouri Register**. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri and United States Constitutions**. The DHSS believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed November 10, 2015, becomes effective November 20, 2015, and expires May 17, 2016.*

**(5) Safe Sleep Training.** Every three (3) years the provider and assistant(s) in a family child care home licensed to provide care for infants less than one (1) year of age shall successfully complete department-approved training regarding the American Academy of Pediatrics (AAP) safe sleep recommendations contained in the *American Academy of Pediatrics Task Force on Sudden Infant Death Syndrome. Technical report – SIDS and other*

*sleep-related infant deaths: expansion of recommendations for a safe infant sleeping environment*, by Moon RY, which is incorporated by reference in this rule and published in PEDIATRICS Volume 128, No. 5, November 1, 2011, and available from the University of Vermont College of Medicine, Given Building S261, 89 Beaumont Avenue, Burlington, Vermont 05405-0068, telephone number 802-656-2505, fax number 802-656-4844, or at [www.pediatrics.aapublications.org/content/128/5/1030.full](http://www.pediatrics.aapublications.org/content/128/5/1030.full). This rule does not incorporate any subsequent amendments or additions.

- (A) The training shall be documented and maintained as described in section (4)(B) of this rule.
- (B) The provider and assistant(s) in a family child care home licensed prior to the effective date of this rule shall complete the safe sleep training described in section (5) of this rule within three (3) months of the effective date of this rule.
- (C) The provider and assistant(s) in a family child care home licensed after the effective date of this rule shall complete the safe sleep training described in section (5) of this rule prior to licensure.
- (D) The provider and any assistant hired or volunteering at the facility after initial licensure shall complete the safe sleep training described in section (5) of this rule within thirty (30) days of employment or volunteering at the facility.

*AUTHORITY: section 210.221, RSMo 2000, and section 210.223, RSMo (HCS for SCS for SB 341, 98<sup>th</sup> General Assembly, First Regular Session (2015)). \* This rule previously filed as 13 CSR 40-61.090, 13 CSR 40-61.105, and 19 CSR 40-61.105. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-61.105, effective Dec. 9, 1993. Emergency amendment filed Aug. 18, 1993, effective Aug. 28, 1993, expired Dec. 25, 1993. Emergency amendment filed Jan. 4, 1994, effective Jan. 14, 1994, expired May 13, 1994. Amended: Filed Aug. 18, 1993, effective April 9, 1994. Changed to 19 CSR 30-61.105 July 30, 1998. Amended: Filed Feb. 18, 1999, effective Sept. 30, 1999. Amended: Filed Jan. 28, 2011, effective July 30, 2011. Emergency amendment filed November 10, 2015, effective November 20, 2015, expires May 17, 2016. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.*

*\*Original authority: 210.221, RSMo 1949, amended 1955, 1987, 1993, 1995, 1999.*